

## **The Honorable John C. Coughenour**

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GREAT AMERICAN INSURANCE  
COMPANY, an Ohio corporation,

Plaintiff,

VS.

RODGER MAY, an individual;  
MK SALVAGE VENTURE LLC; a  
Washington limited liability company; BEAR  
ENTERPRISES LLC, a Washington limited  
liability company, and PETER KUTTEL, an  
individual.

## Defendants.

I, Lisa R. Meier, hereby certify under penalty of perjury, that the following is true and correct and within my personal knowledge:

1. I am over the age of 18, have personal knowledge of all facts contained in this declaration, and am competent to testify as a witness to those facts.

2. I am currently employed by Great American Insurance Company (“Great American”). In the fall of 2019, I was employed as a Senior Claim Representative handling ocean marine claims.

MEIER DECLARATION IN SUPPORT OF  
GREAT AMERICAN'S MOTION FOR  
SUMMARY JUDGMENT –  
NO. 2:21-cv-1002-JCC

- 1 -

Betts  
Patterson  
Mines  
**One Convention Place**  
Suite 1400  
701 Pike Street  
Seattle, Washington 98101-3927  
(206) 292-9988

1       3.     On October 11, 2019, the insurance broker for Bear Enterprises, LLC tendered the  
2     summons and the complaint from the lawsuit *Rodger May v. MK Salvage Venture, et al.*, to  
3     Great American.

4       4.     Attached hereto as Exhibit 1 is a true and correct copy of the email from the  
5     broker, which I referenced in paragraph 3, above.

6       5.     Attached hereto as Exhibit 2 are true and correct copies of the summons and  
7     complaint from *May v. MK Salvage Venture*, which were attached to the broker's email,  
8     referenced in paragraph 3, above, and attached hereto as Exhibit 1.

9       6.     The email, summons and complaint were all of the documentation that Great  
10    American received from the broker concerning the suit *May v. MK Salvage Venture*.

11      7.     Great American determined that it did not have a duty to defend the defendants in  
12    the suit *May v. MK Salvage Venture*, so I sent Peter Kuttel a letter advising him, and the other  
13    defendants, of Great American's coverage determination. Attached hereto as Exhibit 3 is a true  
14    and correct copy of my November 14, 2019 letter explaining the determination.

15      8.     No person has ever contacted me to dispute Great American's determination that  
16    it had no obligation to defend any defendant in the *May v. MK Salvage Venture* suit.

17      9.     In April of 2021, Great American received notice that the parties to the *May v.*  
18    *MK Salvage Venture* lawsuit had reached a settlement and were seeking the court's approval of  
19    that settlement. Great American received this notice through an April 8, 2021 letter with its  
20    attachments from Rodger May's attorney, Michael Zoretic. Attached hereto as Exhibit 4 is a true  
21    and correct copy of the letter and all of its attachments.

22      10.    Bear Enterprises, LLC, MK Salvage Venture, LLC and five other entities are  
23    named insureds on policy number OMH 3133724 05, for the period effective September 28,  
24    2016 through September 28, 2017. A true and correct copy of policy number OMH 3133724 05  
25    is attached hereto as Exhibit 5. Great American renewed this policy for the following two policy

MEIER DECLARATION IN SUPPORT OF  
GREAT AMERICAN'S MOTION FOR  
SUMMARY JUDGMENT –  
NO. 2:21-cv-1002-JCC

- 2 -

Betts  
Patterson  
Mines  
One Convention Place  
Suite 1400  
701 Pike Street  
Seattle, Washington 98101-3927  
(206) 292-9988

1 years, however the second renewal policy was cancelled at the insureds' request, effective  
2 inception. Therefore, there was only one year of additional coverage beyond the period covered  
3 by Exhibit 5. That renewal policy, number OMH 3133724 06, was in effect from September 28,  
4 2017 through September 28, 2018, and had coverages identical to those provided by the  
5 preceding policy, Exhibit 5. In addition, the policy preceding Exhibit 5, number OMH 3133724  
6 04, was in effect September 28, 2015 through September 28, 2016, and also had coverages  
7 identical to those provided by Exhibit 5.

8 DATED this 8th day of September, 2021, at Cincinnati, Ohio.



9  
10  
11 Lisa R. Meier  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MEIER DECLARATION IN SUPPORT OF  
GREAT AMERICAN'S MOTION FOR  
SUMMARY JUDGMENT –  
NO. 2:21-cv-1002-JCC

- 3 -

Betts  
Patterson  
Mines  
**One Convention Place**  
Suite 1400  
701 Pike Street  
Seattle, Washington 98101-3927  
(206) 292-9988

## **CERTIFICATE OF SERVICE**

I, Joseph D. Hampton, hereby certify that on September 9, 2021, I electronically filed the following:

- **Declaration Of Lisa Meier In Support Of Plaintiff Great American Insurance Company's Motion For Summary Judgment; and**
  - **Certificate of Service;**

with the Court using the CM/ECF system which will send notification of such filing to the following:

*Counsel for Defendant May:*

Michael T. Zoretic  
Zoretic Law  
P.O. Box 427  
Pateros, WA 98846-0427  
(206) 465-8109  
[mike@zoreticlaw.com](mailto:mike@zoreticlaw.com)

***Counsel for Defendant MK Salvage:***

Terence K. McGee  
McGee Law Offices PLLC  
15711 NE 143rd Place  
Woodinville, WA 98072-9069  
(425) 368-2321  
[tkmcgee@mcgeelaw.net](mailto:tkmcgee@mcgeelaw.net)

*Counsel for Defendants Bear Ent. and Kuttel:*

James F. Williams  
Zachary Davison  
Perkins Coie LLP  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3095  
(206) 359-8000  
[jwilliams@perkinscoie.com](mailto:jwilliams@perkinscoie.com)  
[zdavison@perkinscoie.com](mailto:zdavison@perkinscoie.com)

MEIER DECLARATION IN SUPPORT OF  
GREAT AMERICAN'S MOTION FOR  
SUMMARY JUDGMENT –  
NO. 2:21-cv-1002-JCC

- 4 -

Betts  
Patterson  
Mines  
**One Convention Place**  
Suite 1400  
701 Pike Street  
Seattle, Washington 98101-3927  
(206) 292-9988

1 Dated this 9th day of September, 2021.

2 BETTS, PATTERSON & MINES, P.S.

3 By /s Joseph D. Hampton  
4 By /s Kara A. Tredway

5 Joseph D. Hampton, WSBA #15297

6 Kara A. Tredway, WSBA #44984

7 Betts, Patterson & Mines, P.S.

8 One Convention Place, Suite 1400

9 701 Pike Street

10 Seattle WA 98101-3927

11 Telephone: (206) 292-9988

12 Facsimile: (206) 343-7053

13 E-mail: jhampton@bpmlaw.com

14 E-mail: ktredway@bpmlaw.com

15 Attorneys for Plaintiff Great American  
16 Insurance Company

17  
18  
19  
20  
21  
22  
23  
24  
25  
MEIER DECLARATION IN SUPPORT OF  
GREAT AMERICAN'S MOTION FOR  
SUMMARY JUDGMENT –  
NO. 2:21-cv-1002-JCC

- 5 -

26 Betts  
27 Patterson  
28 Mines  
29 One Convention Place  
30 Suite 1400  
31 701 Pike Street  
32 Seattle, Washington 98101-3927  
33 (206) 292-9988